

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD WORK SESSION MINUTES – **APPROVED**
5151 MARSH ROAD, OKEMOS, MI 48864-1198
349-1200, TOWN HALL ROOM
WEDNESDAY, NOVEMBER 3, 1999, **6:00 P.M.**

PRESENT: Supervisor Little, Clerk Helmbrecht, Treasurer Klunzinger, Trustee McGillicuddy,
ABSENT: Trustees McCullough, Squiers, Such
STAFF: Township Manager Gerald Richards, Director of Community Planning &
Development Mark Kieselbach, Director of Engineering & Public Works Roger Buell,
EMS/Fire Chief Fred Cowper, Police Captain Bob Dutcher, Personnel Director/Assistant
Manager Paul Brake, Attorney Brian Goodenough, Attorney William Fahey

1. CALL WORK SESSION TO ORDER

Supervisor Little called the Work Session to order at 6:05 p.m.

2. QUESTIONS FOR ATTORNEY (None)

3. DISCUSSION OF 7:00 P.M. AGENDA ITEM TOPICS

The following 7:00 p.m. agenda items were discussed

Consent Agenda to include #3.A. & B.; #4.; #11.B.; #15.B.; #16.A.,B.,D.; #17.A.,B.,C.

Removed item #11.A.

Discussion followed on the status of responses to two communications

- Letter to David Card, Engineering Department, from Anna Louise Kelley re: pedestrian/bicycle path across her property
- Letter to Clerk Helmbrecht from Dean Rehberger re: code enforcement at Old English Estates

Manager Richards reported that significant progress had been made to date on the Issues and concerns outlined in both letters and that he would continue to keep the Board apprised of both situations.

4. OTHER BUSINESS (None)

5. PUBLIC REMARKS

Supervisor Little opened Public Remarks.

Judith Hurst, 3418 Lake Lansing Road, East Lansing; RE: opposes Rysberg Rezoning, read letter outlining her issues and concerns to the Township Board for entering into the record.

Charles Willems, 1387 Hickory Island, Haslett; RE: commended Parks Commission and others responsible for keeping sidewalks cleared off and making them and the tables better accessible for wheelchairs; appreciates the Public Safety Meetings and knowing about them ahead of time; requested his address in 911 records be verified.

Supervisor Little closed Public Remarks.

6. CLOSED SESSION

TREASURER KLUNZINGER MOVED THAT THE TOWNSHIP BOARD GO INTO CLOSED SESSION TO DISCUSS ONGOING LITIGATION OF MERIDIAN TOWNSHIP VS. THE CITY OF EAST LANSING PURSUANT TO MSA SECTION #4.1800(18)8(E).

SECONDED BY CLERK HELMBRECHT.

[Note: Trustee Squiers arrived at 6:49 p.m.]

ROLL CALL VOTE: YEAS: Treasurer Klunzinger, Trustee McGillicuddy, Squiers, Clerk
Helmbrecht, Supervisor Little
NAYS: None
Motion carried 5-0.

Supervisor Little recessed the Work Session at 6:50 p.m. to go into closed session.

The Board adjourned to the Administrative Conference Room for a closed session.

Supervisor Little reconvened the Work Session at 7:10 p.m.

7. ADJOURNMENT

Supervisor Little adjourned the Work Session at 7:11 p.m.

BRUCE A. LITTLE
TOWNSHIP SUPERVISOR

MARY M.G. HELMBRECHT
TOWNSHIP CLERK

Janis L. Haskell, Acting Secretary

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING – **APPROVED**
5151 MARSH ROAD, OKEMOS, MI 48864-1198
349-1200, TOWN HALL ROOM
WEDNESDAY, NOVEMBER 3, 1999, **7:00 P.M.**

PRESENT: Supervisor Little, Clerk Helmbrecht, Treasurer Klunzinger, Trustees McGillicuddy,
Squiers
ABSENT: Trustees McCullough, Such
STAFF: Township Manager Gerald Richards, Director of Community Planning &
Development Mark Kieselbach, Director of Engineering & Public Works Roger Buell,
EMS/Fire Chief Fred Cowper, Police Captain Bob Dutcher, Personnel Director/Assistant
Manager Paul Brake, Attorney Brian Goodenough, Attorney William Fahey

8. CALL REGULAR MEETING TO ORDER

Supervisor Little called the Regular Meeting to order at 7:11 p.m.

9. APPROVAL OF AGENDA – OR CHANGES

Board members discussed the agenda.

CLERK HELMBRECHT MOVED TO APPROVE THE AGENDA AS AMENDED WITH THE
DELETION OF ITEM #11.b.

CONSENT AGENDA TO INCLUDE ITEMS #3.A.,B.(Correction, Approval & Ratification of
Minutes: October 19, 1999 Work Session, October 19, 1999 Regular Meeting);
#4.(Communications); #11.B.(Treasurer’s Report, Placement of Delinquencies on Tax Roll);
#15.B.(Preliminary Plat #96022 (Eyde), request for a one-year extension for Central Parks Estates
subdivision, located east of Central Park Drive, Okemos); #16.A.,B.,D.(Managers Report: Bills,
Contract for Level IV Assessing Service, Survey and Design of Hannah to Dawn Water Main);
#17.A.,3. a.b.c.(Standing Committee Reports, Personnel, Authorization to Advertise and Fill Assessor
Position, Ratification of Police Officer Appointments, Appointment to Pension Board).

SECONDED BY TREASURER KLUNZINGER.

VOICE VOTE: Motion carried unanimously.

10. CORRECTION, APPROVAL & RATIFICATION OF MINUTES (See Consent Agenda)

- A. Work Session Minutes, October 19, 1999
- B. Regular Meeting Minutes, October 19, 1999

11. COMMUNICATIONS (See Consent Agenda)

A. Board Deliberation (BD)

BD-1 From Gerald J. Richards, Township Manager; RE: Resignation of Assessor

B. Board Information (BI)

Citizens:

BI-1 To Dave Card, Township Engineering Department, from Louise Kelley, 4513 Hawthorne
Lane, Okemos; RE: 7-foot wide pedestrian/bicycle pathway across her property

BI-2 To Greg Kueppers, Meridian Fire Department, from Paul F. Fabiano, Deputy Chief,
Delta Township Fire Department; RE: Thanking him for providing their Fire Department
the use of the Township Fire House for their 1999 Fire Prevention Open House.

- BI-3 A.B. Dalimonte, Attorney, 11973 Sweetwater Drive, Grand Ledge; RE: Synopsis of "The Open Meetings Act."
- BI-4 From Dean Rehberger, 1531 Picadilly Drive, Haslett; RE: Code enforcement in the Old English Estates near Haslett High School.
- BI-5 From Susan Schmidt, Secretary, East Lansing Board of Education; RE: A special election to be on Monday, December 6, 1999.

Ingham County:

- BI-6 To John Donaldson, 4207 Saran Drive, Okemos, from Ingham County Road Commission; RE: Tahquamenon Road construction.
- BI-7 To Gerald J. Richards, Township Manager, from Ingham County Road Commission; RE: Guidelines for speed hump installation.

MTA:

- BI-8 Michigan Township Association, Legislative Fax, October 22, 1999 edition.

Staff:

- BI-9 To Jerry Richards, Township Manager from Matt Schuster, Cable TV Coordinator; RE: Franchise fee payments by AT&T Cable Services.
- BI-10 From Martha Wyatt, Township Landscape Architect; RE: Gypsy moth survey update.

C. On File in Clerk's Office (OF)

- OF-1 Ingham County Road Commission agenda for October 26, 1999 and minutes of September 21, 1999.
- OF-2 Okemos Public Schools agenda for October 18, 1999 and minutes of September 30, 1999
- OF-3 Okemos Public Schools agenda for November 1, 1999 and minutes of October 11, 1999
- OF-4 Capitol Currents Newsletter, October 1999 edition
- OF-5 Capital Area District Library agenda for October 20, 1999 and minutes of September 15, 1999
- OF-6 Capital Area Rail Council; RE: Merging with the Capital Area Transportation Authority.

12. QUESTIONS OF ATTORNEY (None)

13. PUBLIC REMARKS

Supervisor Little opened Public Remarks.

Judith Hurst, 3418 Lake Lansing Road, East Lansing; RE: opposed to Rysberg Rezoning, referred to letter she read during Work Session outlining her issues and concerns to the Township Board for entering into the record.

Robert Kolt, Kolt & Serkaian Communications, Inc., 2853 Jolly Road, Okemos; RE: representing North American Equities/Governor's Club Project; urged support of the 425 Agreement.

Sam Bono, 1435 Ivywood Drive, Okemos, RE: supported 425 Agreement.

Harry Hurst, 3418 Lake Lansing Road, East Lansing, RE: opposed Rysberg Rezoning.

Mark Clouse, 4660 South Hagadorn, East Lansing, Notified Trustees he is available for questions during the meeting as a representative for Eyde Company/Central Park Estates (item #15.B.), scheduled for discussion on tonight's agenda.

Eleanor Luecke, 1893 Birchwood Dr., Okemos; RE: representing LINC; opposed to 425 Agreement.

Darrell Swartz, 4118 Hagadorn Road, Okemos; RE: opposed to 425 Agreement.

Wayne McLellen, 1459 Cheboygan Road, Okemos; RE: opposed to 425 Agreement.

John Anderson, 215 West Newman, Okemos; RE: opposed to 425 Agreement.

Holly Swartz, 4118 Hagadorn Road, Okemos; RE: opposed to 425 Agreement.

Vance Kincaid, 4530 Nakoma Drive, Okemos; RE: read Letter to the Editor printed in the November 3, 1999 Lansing State Journal from an MSU Senior regarding urban sprawl created by Governor's Club.

Frederick Vogt, 2673 Bennett Road, Okemos; RE: opposed 425 Agreement.

Ann Alchin, 2227 Hamilton Road, Okemos; RE: traffic on Hamilton Road and proposed roundabout.

Ted Black, 4714 Van Atta Road, Okemos; RE: opposed 425 Agreement.

Supervisor Little closed Public Remarks.

14. CONSENT AGENDA

TRUSTEE SQUIERS MOVED TO ADOPT THE CONSENT AGENDA TO INCLUDE ITEMS: #3.A. & B. (Correction, Approval & Ratification of Minutes, Work Session Minutes, October 19, 1999; Regular Minutes, October 19, 1999); #4 (Communications); #11.B. (Treasurer's Report, Placement of Delinquencies on Tax Roll); #15.B. (Department of Community Planning & Development, Preliminary Plat #96022 (Eyde), request for a one-year extension for Central Parks Estates subdivision, located east of Central Park, Okemos); #16. A. (Manager's Bills); #16.B. (Contract for Level IV Assessing Service); #16.D. (Survey and Design of Hannah to Dawn Water Main); #17.A.3.a. (Authorization to Advertise and Fill Assessor Position); #17.A.3.b. (Ratification of Police Officer Appointments); #17.A.3.c. (Appointment to Pension Board).

SECONDED BY TREASURER KLUNZINGER.

ROLL CALL VOTE: YEAS: Treasurer Klunzinger, Clerk Helmbrecht, Trustees Squiers, McGillicuddy, Supervisor Little
NAYS: None
Motion carried 5-0.

Therefore, the above actions were taken with the votes as follows:

- A. CORRECTION, APPROVAL & RATIFICATION OF MINUTES (Agenda Item #3.A. & B.)
TRUSTEE SQUIERS MOVED TO ADOPT THE MINUTES OF THE OCTOBER 19, 1999 WORK SESSION AND OCTOBER 19, 1999 REGULAR MEETING AS SUBMITTED.
SECONDED BY TREASURER KLUNZINGER.

ROLL CALL VOTE: YEAS: Treasurer Klunzinger, Clerk Helmbrecht, Trustees Squiers, McGillicuddy, Supervisor Little
NAYS: None
Motion carried 5-0.

- B. COMMUNICATIONS (Agenda Item #4.)
TRUSTEE SQUIERS MOVED THAT THE COMMUNICATION BE RECEIVED AND PLACED ON FILE AND ANY COMMUNICATIONS NOT ALREADY ASSIGNED FOR

DISPOSITION BE REFERRED TO THE TOWNSHIP MANAGER OR SUPERVISOR FOR FOLLOW-UP OR FURTHER DISPOSITION. SECONDED BY TREASURER KLUNZINGER.

ROLL CALL VOTE: YEAS: Treasurer Klunzinger, Clerk Helmbrecht, Trustees Squiers, McGillicuddy, Supervisor Little
NAYS: None
Motion carried 5-0.

- C. TREASURER'S REPORT (Agenda Items #11.B)
TRUSTEE SQUIERS MOVED TO APPROVE THE FOLLOWING FOR PLACEMENT OF DELINQUENT SPECIAL ASSESSMENTS, DELINQUENT UTILITIES, AND DELINQUENT FALSE ALARMS (1998) ON WINTER TAX ROLL FOR 1999:

Drains:	Proctor Drain	\$3,721.25
Roads:	Herron/Pioneer	\$ 298.66
Water:	Water Benefit	\$ 132.77
	Johnson Indian Island	\$ 676.19
	Foster Street	\$ 500.02
	Penobscot/Tahoe	\$ 288.41
	Lake Lansing Watershed	\$3,872.31
Sewer	Sewer Benefit	\$ 439.40
	North Okemos	\$ 754.08
Delinquent Utilities		\$3,542.07
Delinquent False Alarms		\$1,500.00

SECONDED BY TREASURER KLUNZINGER.

ROLL CALL VOTE: YEAS: Treasurer Klunzinger, Clerk Helmbrecht, Trustees Squiers, McGillicuddy, Supervisor Little
NAYS: None
Motion carried 5-0.

- D. DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT (Agenda Items #15.B.1.)
TRUSTEE SQUIERS MOVED TO ACCEPT THE REQUEST FOR A ONE YEAR EXTENSION OF PRELIMINARY PLAT #96022 (EYDE) FOR CENTRAL PARK ESTATES SUBDIVISION, LOCATED EAST OF CENTRAL PARK DRIVE, OKEMOS. SECONDED BY TREASURER KLUNZINGER.

ROLL CALL VOTE: YEAS: Treasurer Klunzinger, Clerk Helmbrecht, Trustees Squiers, McGillicuddy, Supervisor Little
NAYS: None
Motion carried 5-0.

- E. MANAGER'S BILLS (Agenda Item #16.A.)
TRUSTEE SQUIERS MOVED THAT THE TOWNSHIP BOARD APPROVE THE MANAGER'S BILLS AS FOLLOWS:

General Fund/Special Revenue	\$324,933.05
Public Works	<u>29,608.20</u>
TOTAL	<u>\$354,541.25</u>
	=====

F. CONTRACT FOR LEVEL IV ASSESSING SERVICE (Agenda Item #16.B.)
TRUSTEE SQUIERS MOVED TO APPROVE AN AGREEMENT FOR CONSULTING AND ASSESSOR OF RECORD SERVICES WITH SCOTT CUNNINGHAM IN A FORM APPROVED BY THE TOWNSHIP ATTORNEY AND AUTHORIZE THE SUPERVISOR AND CLERK TO SIGN THE AGREEMENT ON BEHALF OF THE TOWNSHIP. SECONDED BY TREASURER KLUNZINGER.

ROLL CALL VOTE: YEAS: Treasurer Klunzinger, Clerk Helmbrecht, Trustees Squiers, McGillicuddy, Supervisor Little
NAYS: None
Motion carried 5-0.

G. SURVEY AND DESIGN OF HANNAH TO DAWN WATER MAIN (Agenda Item #16.D)
TRUSTEE SQUIERS MOVED TO AUTHORIZE THE TOWNSHIP MANAGER TO ACCEPT THE PROPOSAL FROM WOLVERINE ENGINEERS AND SURVEYORS, INC. FOR SURVEYING AND DESIGN SERVICES FOR THE HANNAH TO DAWN WATER MAIN LOOP PROJECT WITH A COST NOT TO EXCEED \$4,750.00. SECONDED BY TREASURER KLUNZINGER.

ROLL CALL VOTE: YEAS: Treasurer Klunzinger, Clerk Helmbrecht, Trustees Squiers, McGillicuddy, Supervisor Little
NAYS: None
Motion carried 5-0.

H. AUTHORIZATION TO ADVERTISE AND FILL ASSESSOR POSITION (Agenda Item # 17.A.3.a.)
TRUSTEE SQUIERS MOVED TO AUTHORIZE THE TOWNSHIP MANAGER TO ADVERTISE AND FILL THE POSITION OF ASSESSOR. SECONDED BY TREASURER KLUNZINGER.

ROLL CALL VOTE: YEAS: Treasurer Klunzinger, Clerk Helmbrecht, Trustees Squiers, McGillicuddy, Supervisor Little
NAYS: None
Motion carried 5-0.

I. RATIFICATION OF POLICE OFFICER APPOINTMENTS (Agenda Item #17.A.3.b.)
TRUSTEE SQUIERS MOVED RATIFICATION OF JOEL E. LANGELAND AND CURTICE A. SQUIERS TO THE POSITIONS OF POLICE OFFICER CONTINGENT UPON SUCCESSFUL COMPLETION OF THOSE ITEMS STIPULATED IN THE CONDITIONAL OFFER OF EMPLOYMENT. SECONDED BY TREASURER KLUNZINGER.

ROLL CALL VOTE: YEAS: Treasurer Klunzinger, Clerk Helmbrecht, Trustees Squiers,
McGillicuddy, Supervisor Little
NAYS: None
Motion carried 5-0.

- J. APPOINTMENT TO PENSION BOARD (Agenda Item #17.A.3.c.)
TRUSTEE SQUIERS MOVED TO APPOINT MARK KIESELBACH AS EMPLOYEE REPRESENTATIVE TO THE PENSION BOARD. SECONDED BY TREASURER KLUNZINGER.

ROLL CALL VOTE: YEAS: Treasurer Klunzinger, Clerk Helmbrecht, Trustees Squiers,
McGillicuddy, Supervisor Little
NAYS: None
Motion carried 5-0.

15. BOARD MEMBER COMMENTS

Trustee McGillicuddy reported she had just attended a meeting of the Meridian Volunteer Council. Many needs were brought up, particularly with the approaching holidays. The food bank needs money as well as canned goods. She also noted the "Turkeys for Thanksgiving" project needs more funds/turkeys and contributions are needed for the Children's Christmas Party.

Treasurer Klunzinger referenced the passage of the CATA supplemental millage request at the previous day's election and recognized Supervisor Little for his support of that millage.

16. SUPERVISOR'S REPORT

Supervisor Little referred the Capital Area District Library (CADL) issue to the Financial Planning and Budgeting Committee for review; Township has until the end of the year to decide if it is going to withdraw from CADL.

17. CLERK'S REPORT

Clerk Helmbrecht announced official election results from the previous day. There were over 6,000 people who voted, representing 20% of the voters. Helmbrecht noted this turnout was better than some of the past special elections. The procedures for counting precinct votes were enhanced to make things go smoother and she thanked the 100+ workers who helped with the elections and contributed to one of the quickest turnaround times for precinct count finals, which were completed by 11:15 p.m.

Clerk Helmbrecht commended the election workers and Clerk's Staff on working so well together. Special thanks were extended to Linda Elliott and Marie Buckman who put in additional hours to assist with the AV Counting Board following 16 hours at the polling place.

Two referendum petitions for the Act 425 Agreement (Governor's Club) were received in the Clerk's Office; the language/signatures will be checked for accuracy, but as of this date they have not been approved and on initial review does not appear to have any addresses within the area to be transferred. Helmbrecht noted that not one of the MSU students who signed

the referendum petition that put Tuesday's 425 issue on the ballot voted in the special election.

Trustee Squiers pointed out that eight out of ten people—80%—didn't vote in Tuesday's special election. He recognized those precincts that did have top voter turnout for the election: Precinct #8-Forest Hills, #9-Tacoma Hills and #17- Hiawatha.

18. TREASURER'S REPORT

Treasurer Klunzinger noted that the Township's general operations 4.32 mills is under the 5-mill limit under the Headlee Amendment to the State Constitution. Until the Amendment took effect, the Township's operating millage had been 5.0, but the millage levied has declined since the Headlee Amendment. The Amendment allows for an "override" and the Township has not looked into this for ten years or so. The Financial Planning and Budget Committee will be looking at the feasibility and any need of utilizing what the Amendment refers to as the "Headlee Override."

The Financial Planning and Budgeting Committee will be meeting next Wednesday, November 10 at 8:30am in the Township's Administrative Conference Room to discuss this issue as well as to begin discussing the enhanced CATA transportation services voters approved and the Township's relationship with CADL.

19. TOWNSHIP BOARD (None)

20. SPECIAL HEARINGS/APPEALS (None)

21. UNFINISHED BUSINESS (None)

22. DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

Mark Kieselbach, Director of Community Planning and Development, provided a background to the Board on the Rysberg Rezoning request (#99060). The request was brought before the Board for its final adoption.

TREASURER KLUNZINGER MOVED TO PLACE THE RYSBERG REZONING REQUEST (#99060) ON THE AGENDA FOR THE BOARD'S NOVEMBER 16, 1999 MEETING. SECONDED BY CLERK HELMBRECHT.

APPROVED BY UNANIMOUS CONSENT.

23. MANAGER'S REPORT INVOICES & BILLS

A. Bills (See Consent Agenda)

B. Contract for Level IV Assessing Service (See Consent Agenda)

C. Act 425 Agreement (Governor's Club)

Manager Richards noted the only item remaining to be discussed from his report was the 425 Agreement. Supervisor Little called on Attorney William Fahey to review the proposed 425 Agreement/Resolution.

Attorney Fahey pointed out each Board member had before them a resolution addressing the Governor's Club 425 Agreement. He noted this was a matter the Board held a public hearing on back on October 5, 1999. There has been one change to the Agreement that has been made since the public hearing and that has been to clarify that the Lawrence

Max property, located just south of Bennett Road and consisting of approximately one acre, will have allocated to it two of the 288 units that will be allowed to be located within the 425 area.

That particular piece of property presently has two units that have already been built that are pre-existing, non-conforming uses. Fahey clarified that the total number of units that can be permitted in the 425 area will be no more than 288 units, about one per acre. To be sure that there is no doubt in that regard, two of those units, which is the equivalent of the two existing units that Mr. Max has on his property, are to be allocated to that property.

No other changes were proposed. This is exactly the same area that was proposed to be transferred on October 5. All the other terms of the agreement are exactly the same as presented to the Board and heard by the Board on October 5.

The Governor's Club 425 is a separate 425 from the 425 Agreement voted on yesterday by the electors. To date, although there have been two referendum petitions submitted in regard to this Governor's Club 425, it's the law firm's understanding, based on the review of the referendum petitions, there are no signatures of individuals who live within the area to be transferred. Without such signatures there would not be a valid referendum.

The proposal before the Board is to authorize the Clerk and Supervisor to execute the 425 agreement, which can be done before or after Friday, November 5 when the 30-day waiting period expires. At the present time it is the Attorney's understanding that the matter will be taken up by the Lansing City Council at its next meeting, Monday, November 8, 1999. Assuming that the 425 is agreeable to the Township Board, and agreeable to the City Council, the Township would then enter into an agreement with the City as soon as possible after that to make it final.

In response to statements made during Public Remarks, Supervisor Little asked for clarification on how the police and fire protection would be carried out in the area. Attorney Fahey noted police and fire protection would be delivered by Meridian Township. It is not proposed that this area will be serviced by the City of Lansing for police and fire; it has always been one of the conditions that Meridian provide police and fire services so that there won't be any confusion in the delivery of those services in this area.

Supervisor Little also asked about the role the Boundary Commission has in this issue. Attorney Fahey explained that the Boundary Commission has no authority to expand the boundaries of a 425 area. The only way a 425 area could be expanded would be by going through the exact same process the Township has gone through already, including a public hearing and an opportunity for people who live in the area to be transferred to have a referendum if they wish it. People who live around this area, if there is ever a move afoot to transfer their property to the City of Lansing under 425, will have a right of referendum at the time.

Trustee Squiers asked if the 425 area would be left open for annexation by the City of East Lansing, with the failure of the 425 (MSU property) on Tuesday's ballot, and if the Board does not approve this 425 (Governor's Club) agreement and keeps the area within the Meridian Township as some have suggested with the zoning that's already there. Attorney Fahey noted history certainly demonstrates this is correct, that one of the possibilities is that at some point in the future, another attempt would be made to annex this property to the City of East Lansing. Approval of this 425 is one of the few defenses the township has against this type of effort.

Trustee Squiers referred to an earlier attempt by the City of East Lansing to annex Meridian Township property for the Governor's Club and noted a vote of support for this agreement would protect the borders of the Township from annexation.

Clerk Helmbrecht asked if the language in the current agreement regarding drainage is the same language noted under the original 425 agreement, in which agreement had been reached with the Drain Commissioner. Attorney Fahey noted the language in this agreement with respect to drainage is the language agreed to by the Drain Commissioner and is acceptable to his office, which resolved issues brought up in the first 425.

Clerk Helmbrecht also asked if the State Boundary Commission has any control over annexation lines. Attorney Fahey noted the State Boundary Commission has jurisdiction principally over annexation involving home-rule cities and general law townships. For the most part, the State Boundary Commission would never get involved in annexation involving Meridian Township because as a Charter Township, it is exempt from most of the powers of the State Boundary Commission. They have no power over a 425 and except in very, very rare cases, they do not have any jurisdiction over annexations involving charter townships.

TREASURER KLUNZINGER MOVED TO APPROVE THE FOLLOWING:

RESOLUTION

WHEREAS, Public Act 425 of 1984, as amended ("Act 425") allows two local units of government to conditionally transfer property by written agreement for the purpose of economic development projects, as defined in Act 425; and

WHEREAS, the Township and the City of Lansing ("City") entered into an Act 425 Agreement on July 16, 1999; and

WHEREAS, on September 1, 1999, the Ingham County Circuit Court entered a Preliminary Injunction, enjoining the operation of the aforementioned Act 425 Agreement, but allowing the City and the Township to enter into a new or different Act 425 Agreements; and

WHEREAS, the City and the Township have proposed that certain property located within Sections 29 and 32 of the Township be conditionally transferred from the Township to the City pursuant to Act 425; and

WHEREAS, the Township Board conducted a public hearing on the proposed Act 425 Agreement held on October 5, 1999, and the City Council conducted a public hearing on October 4, 1999.

NOW, THEREFORE BE IT RESOLVED by the Township Board of the Charter Township of Meridian, Ingham County, Michigan, as follows:

1. The Township Clerk and Supervisor are hereby authorized and directed to execute the Act 425 Agreement attached to this Resolution, on or after November 5, 1999, provided that a valid referendum petition is not filed with the Township Clerk prior to that date.
2. The Township Clerk is directed forthwith to take all actions necessary to implement this Resolution.

(Agreement for Conditional Transfer of Property within Sections 29 and 32 of the Charter Township of Meridian Pursuant to Act 425 can be found in the Official Minutes Book.)

SECONDED BY CLERK HELMBRECHT.

Discussion included:

- The zoning for this action was approved by the voters in July with overwhelming support
- East Lansing covets this property; this action is a protection
- Area is within urban service boundary; does not constitute urban sprawl
- Consistent with smart growth to prevent urban sprawl
- Good policy for Township's future
- If East Lansing annexes property, tax revenue will be lost
- Public vote against 425 significant voice from constituents
- Burden of road expenses at Township's expense
- Township paying for water/sewer lines but Lansing will control/own this infrastructure for 50+ years
- Don't need a 425 agreement to move forward on this project
- Area 425 going in doesn't meet criteria of need for economic development.
- Purpose of a 425 is not to thwart annexation
- Lose control over liquor licensure/funds from that for the area
- Important to protect residents who live in area, which include high school and elementary school; loss of control over zoning with 425
- Cost of bringing services to the property boundary is at the cost of the developer, not taxpayers (Attorney Fahey noted the cost of bringing the service to the property boundary is at the cost of the developer as in any developer situation). If it's necessary to bring service over an extended area, the typical way that is done in Meridian Township is to require the developer receiving that benefit to pay that benefit up front. And in some cases, they have been allowed to recover a portion of their investment if at some later point in time someone else comes along and taps into

the main that they've built. Fahey does not see where there would be any situation in which Meridian Township would be paying for any of the cost to extend water and sewer to this project.

- Tax revenue and revenue sharing aspects of the agreement basically a total "hold harmless" for Meridian Township (Attorney Fahey noted the Township will receive the same amount of tax revenues and same amount of revenue sharing it would have received if the property was developed without a 425 agreement. No net loss to the Township in terms of those revenue items)
- Have not lost ability to have a say/input into actual plans (Attorney Fahey noted Township has covered this area in the agreement in two ways. (1) Built a plan into the agreement and (2) built into agreement criteria that have to be adhered to if any changes are made to that plan, including maximum numbers above which neither Lansing nor the developer can exceed without the township's approval. If the developer were to come in and try to develop more than 288 units on that property, the effect would be the zoning jurisdiction would revert to Meridian Township. Township knows what it's getting up front. In addition, a more detailed aspect of the control of the development is that Meridian Township will be made one of the entities that receives input into the specifics of the project and how the project is developed prior to any decisions being made on such things as site plans by the City of Lansing).
- Limit of 288 units also includes hotel rooms. (Attorney Fahey pointed out a minimum 195 units have to be single-family residences. If they chose to build more than 195 single-family residences, that will reduce the number of condo or hotel units they can put in).
- Project will create jobs, particularly for the construction industry. Employment will enrich, have a beneficial ripple affect in the area.
- Protects boundaries of Township.
- Preserves tax base
- Protecting the residents from annexation (at one time East Lansing Planning Commission talked about putting 1,200 homes in the area if annexation had been successful)
- Clarification was requested of what happens with the recently submitted referendum petitions if the Board votes in favor of the agreement. Clerk Helmbrecht noted that the requirement for a valid petition to call for an election includes the stipulation that the individuals who sign the petition must live within the area to be transferred. Preliminary examination indicates there are no residents who live within the area who signed the petitions. Attorney Fahey added it's possible there may be other petitions that come in before the deadline. The resolution would not authorize the agreement to be executed, unless by the end of the day Thursday, November 4, the Clerk has not received a valid petition for a referendum. Assuming the Board votes in favor of the agreement, and there are no valid petitions by the deadline, the way will be open to execute the agreement by Friday or early next week.

ROLL CALL VOTE: YEAS: Treasurer Klunzinger, Clerk Helmbrecht, Trustee Squiers,
Supervisor Little

NAYS: Trustee McGillicuddy

Motion carried 4-1

D. Survey and Design of Hannah to Dawn Water Main (See Consent Agenda)

24. BOARD MEMBER, BOARD COMMITTEE AND LIAISON REPORTS

A. Standing Committee Reports

(1) Physical Operations & Activities

Committee will be meeting within the next week to review Library issue; request made for comments/input from public as to why they voted down the library millage.

(2) Financial Planning & Budgeting

Next meeting Wednesday, November 10, 1999, 8:30 a.m.

(3) Personnel

a. Authorization to Advertise and Fill Assessor Position (See Consent Agenda)

b. Ratification of Police Officer Appointment (See Consent Agenda)

c. Appointment to Pension Board (See Consent Agenda)

(4) Planning and Development

Next meeting Tuesday, November 9 at 8:30 a.m.

(5) Infrastructure

Next meeting Tuesday, November 9 at 5:15 p.m.

(6) Public Safety

Next meeting Monday, November 8 at 5:00 p.m.

(7) Recreation (None)

B. Special Committees (None)

C. Liaison Representative Reports (None)

25. OTHER REPORTS (None)

26. NEW BUSINESS (None)

27. PUBLIC REMARKS

Cindy Welch, 2223 Hamilton Road, Okemos; RE: Seeking police enforcement of traffic code on Hamilton Road, seeking decrease in traffic/rate of speed in area.

Ann Alchin, 2227 Hamilton Road, Okemos; RE: Concerned about Hamilton Road traffic because she was told by Managing Director of the Ingham County Road Commission that the traffic light on Grand River is set that way and the light on Hamilton is set that way to avoid traffic backing up on Grand River.

Vance Kincaid, 4530 Nakoma Drive, Okemos; RE: Passage of CATA millage, increase in ridership/revenues from transfer of MSU's transit system could have been accomplished through negotiations, not taxation.

John Anderson, 215 West Newman Road, Okemos; RE: Opposed/disappointed in passage of 425 Agreement, no threat from East Lansing annexation, vote against wishes of people of township.

Wayne McLellen, 1459 Cheboygan Road, Okemos; RE: Opposed/disappointed in passage of 425 Agreement, action will cause expansion/expense to water system, which will be passed on to consumers.

Darrell Swartz, 4118 Hamilton Road, Okemos; RE: Opposed/disappointed in passage of 425 Agreement, concerned about health problems/impact on well water due to runoff from Governor's Club.

28. FINAL BOARD MEMBER COMMENTS

TREASURER KLUNZINGER MOVED TO INSTRUCT THE ATTORNEY TO PROCEED IN ACCORDANCE WITH THE DISCUSSION IN CLOSED SESSION. SECONDED BY CLERK HELMBRECHT.

VOICE VOTE: Motion carried 4-1 (McGillicuddy)

29. ADJOURNMENT

Supervisor Little adjourned the meeting at 8:38 p.m.

BRUCE A. LITTLE
TOWNSHIP SUPERVISOR

MARY M.G. HELMBRECHT
TOWNSHIP CLERK

Janis L. Haskell, Acting Secretary